

REMARKS

Entry of the foregoing amendments, reconsideration and allowance of the above-identified application are respectfully requested. Claims 2, 7, 9-16, 18 and 22 are currently pending. Claims 3-6, 17, 20, 21, 23 and 24 have been cancelled. Claim 22 has been amended to include the subject matter of claims 23 and 24.

The drawings stand objected under 37 C.F.R. § 1.83 as allegedly failing to show every feature of the invention specified in the claims. Specifically, the Official Action indicates that the rung including a plurality of grooves and wherein the sleeve grooves are mating with the grooved portion of the rung must be shown in the drawings. In response thereto, a proposed drawing correction is submitted herewith wherein a grooved portion of a ladder rung is illustrated in Figure 2 such that the ungrooved portions of the first surface 16 coincide with the grooved portion of the ladder rung. Support for this drawing change is found on page 3, lines 1-4 of the originally filed specification. Accordingly, reconsideration and withdrawal of the objection to the drawings is respectfully requested. Upon approval of this drawing change, and receipt of a Notice of Allowance, Applicants will submit revised formal drawings.

Claims 4-7, 12, 13, 17, 18 and 20-22 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by the German patent of Berg (4,125,780). By way of the foregoing amendments, independent claims 17 and 20 have been cancelled and independent claim 22 has been amended to include the subject matter of dependent claims 23 and 24. Accordingly, this ground of rejection is now moot.

Claims 2, 3, 9-11, 14, 15, 23 and 24 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Berg in view of Feigenbaum (U.S. Patent No. 5,437,071). Considering the foregoing amendments to independent claim 22, this ground of rejection will initially be discussed with respect to the features found in dependent claims 23 and 24 which are now incorporated into independent claim 22.

As correctly recognized in the Official Action, Berg fails to teach or suggest the combination of elements found in claim 22 as currently amended including (a)

that the outer surface of the sleeve is ungrooved and (b) that the sleeve extends around substantially an entire circumference of the rung. Applicants respectfully submit that this combination of elements cannot reasonably be said to be taught or suggested by Berg or Feigenbaum whether taken individually or in combination for at least the foregoing reasons.

First, it would not have been obvious to have modified Berg to have added grooves to the outer surface of the sleeve of Berg. Initially, Applicants note that from the figure of Berg, it can be seen that Berg explicitly includes an outer surface including grooves or ribs apparently referenced by numeral 14. Applicants do not have a complete translation of the Berg document and, therefore, make these and the following comments based upon the English language abstract and their interpretation of the figure. Nonetheless, the abstract makes clear that an explicit advantage intended by the sleeve of Berg is to reduce the risk of a user's slipping while climbing the ladder. Accordingly, since the figure of Berg shows grooves on the outer surface of a ladder rung sleeve and the abstract of Berg refers to an intention to avoid slipping, Applicants respectfully submit that Berg teaches away from removing such grooves. Although Feigenbaum does teach protective pads for vertical crib balusters, it is respectfully submitted that the smooth crib balusters would not have motivated one of ordinary skill in the art to remove the grooves from the ladder rung sleeve of Berg, given the explicit teaching that Berg intends to provide a combination which reduces slipping. Moreover, since the protective pads of Feigenbaum are vertically oriented, and are not intended to aid a person who is climbing, it is further submitted that no combination of Berg and Feigenbaum would have motivated one of ordinary skill in the art to have arrived at Applicants' claim 22 combination.

Secondly, Applicants further submit that it would have not been obvious to modify the ladder sleeve of Berg such that it is extended around substantially the entire circumference of a ladder rung. In this regard, reviewing the figure of Berg, it can be seen that the ladder sleeve of Berg is shaped and contoured in order to be able to grip a specific type of rung shape. Specifically, it can be seen that the claw portions at the distal ends 12 of the sleeve of Berg are adapted to be inserted into


wedge-shaped openings on the rung of Berg. Since these wedge-shaped openings do not appear at the bottom portion of the rung of Berg, it would not have been obvious to have extended the sleeve of Berg around substantially the entire circumference of the rung, since there are no wedge openings into which the distal ends of the sleeve of Berg could be inserted at the bottom portion of the ladder rung of Berg. Accordingly, notwithstanding the fact that the vertically oriented crib balusters of Feigenbaum do extend around the circumference of the crib balusters, it is respectfully submitted that one of ordinary skill in the art would not have been motivated to have modified the ladder sleeve of Berg in the manner needed to reach Applicants' claim 22 combinations. For at least the foregoing reasons, it is respectfully submitted that Applicants' claim 22 combination is patentably distinguishable from Berg or Feigenbaum whether taken individually or in combination. The remaining claims depend either directly or ultimately from Applicants' claim 22 combination and are, therefore, respectfully submitted to be patentable over Berg and Feigenbaum for at least the reasons set forth above.

Claim 16 stands rejected under 35 U.S.C. § 103 as being unpatentable over Berg in view of Feigenbaum further in view of Schmitt. Applicants respectfully submit that claim 16 is allowable for at least the reasons set forth above with respect to claim 22 from which it ultimately depends since Schmitt et al. fails to remedy the above-described deficiencies of Berg and Feigenbaum.

All of the objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that this application is in condition for a Notice of Allowance and such Notice is earnestly solicited. Should the Examiner have any questions regarding the foregoing, he is encouraged to contact the undersigned at 540-361-1863.

Respectfully submitted,

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